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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA BY DEPUTY

JEFFREY ROSENBERG,

Plaintiff,

vs.

SPEARMINT RHINO, et. al.,

Defendants.

CV-S-03-0557 LDG (PAL)

FINDINGS AND RECOMMENDATIONS

In a prior Order (#3) entered and served June 25, 2003, the undersigned ordered that the Clerk of the Court file plaintiff's Complaint, and ordered the Complaint dismissed for failure to state a claim upon which relief can be granted, with leave to amend. The court directed the Clerk to send plaintiff a civil rights complaint form with instructions, and gave plaintiff 30 days from the date that order was entered and served to file an amended complaint, if he believed he could cure the deficiencies noted in the order. The order provided the plaintiff with some guidance in this regard, and advised him that failure to comply would result in the dismissal of this case without prejudice. More than 30 days have elapsed and plaintiff has not filed an amended complaint as directed and has not requested an extension to do so. Accordingly,

IT IS THE RECOMMENDATION of the undersigned United States Magistrate Judge that plaintiff's Complaint be DISMISSED. See, Fed. R. Civ. P. 41(b).

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations

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1 of a magistrate judge shall file and serve *specific written objections* together with points and authorities
2 in support of those objections, within ten (10) days of the date of service of the findings and
3 recommendations. The document should be captioned "Objections to Magistrate Judge's Findings and
4 Recommendations." The parties are advised that failure to file objections within the specified time may
5 waive the right to appeal the District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (C.A.9 1991). The
6 points and authorities filed in support of the specific written objections are subject to the page
7 limitations found in LR 7-4.

8 Dated this 22nd day of October, 2003.

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11 PEGGY A. LEEN
12 UNITED STATES MAGISTRATE JUDGE
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